

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

PRIMERICA LIFE INSURANCE)
COMPANY,)
)
Plaintiff,)
)
v.)
)
ZACHARY ARNOLD and)
JOANN MOCKOBEY,)
)
Defendants.)

Case No. 21-cv-2306-TC-TJJ

REPORT AND RECOMMENDATION

NOTICE

Within fourteen (14) days after being served with a copy of this Report and Recommendation, any party, pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b)(2), may file written objections to this Report and Recommendation. A party must file any objections within the fourteen-day period if that party wants to have appellate review of the proposed findings of fact, conclusions of law, or recommended disposition. If no objections are timely filed, no appellate review will be allowed by any court.

Nature of the Matter Before the Court

This matter is before the Court on Primerica Life Insurance Company’s Motion to Deposit Policy Benefit Into the Registry of the Court and For Interpleader Relief (ECF No. 16). Plaintiff seeks to deposit into the Court’s registry the benefit from the policy of life insurance at issue in this case, along with applicable interest, and thereafter be discharged from this action and from further obligations with respect to the policy and policy benefit. Defendant Zachary Arnold has filed a response indicating he does not oppose the motion or dismissal of Primerica

Life Insurance Company.¹ Defendant JoAnn Mockobey has not responded, and the deadline to file a response has expired.

Having fully considered the motion, the undersigned will recommend to the presiding District Judge that the motion should be granted, thereby permitting Primerica Life Insurance Company to deposit the proceeds into the registry of the court and be dismissed as a party to this action.

RECOMMENDATION

IT IS THEREFORE RECOMMENDED THAT Primerica Life Insurance Company's Motion to Deposit Policy Benefit Into the Registry of the Court and For Interpleader Relief (ECF No. 16) be granted.

IT IS FURTHER RECOMMENDED THAT:

1. Within ten (10) days following entry of an order adopting this Report and Recommendation, Primerica Life Insurance Company shall deposit the proceeds of Policy No. 0430215515 ("the Policy") in the amount of \$100,000.00, plus applicable interest ("the Policy Benefit"), into the registry of this court to be held in an interest-bearing account until such time as the court adjudicates the claims of each of the Defendants in this matter as to the Policy Benefit;

2. The Clerk shall deposit the funds in a money market account or other instrument at the prevailing rate of interest at a federally approved financial institution. The initial investment is subject to the collateral provisions of Treasury Circular 176. The Clerk shall deduct the administrative registry fee, set by the Director of the Administrative Office of the U.S. Courts at ten per cent of the interest earned or as indicated based on the amount and time of deposit into the

¹ ECF No. 17.

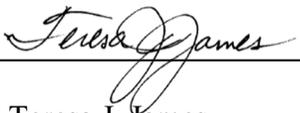
court, without further order of the court. Said fee is authorized by the Judicial Conference of the United States.

3. Upon depositing the funds, Primerica Life Insurance Company shall be released and discharged from all liability to any party with respect to the interpleader funds in insurance proceeds due and owing under the Policy.

4. Upon depositing the funds, Primerica Life Insurance Company shall be dismissed as a party to this action, with prejudice.

Respectfully submitted.

Dated this 8th day of November, 2021 at Kansas City, Kansas.

A handwritten signature in cursive script, reading "Teresa J. James", is written over a horizontal line.

Teresa J. James
U. S. Magistrate Judge